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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

Arizona Corporation Commission

DOCKETED

JAN 22 2014

DOCKETED BY

In the matter of:

DOCKET NO. S-20867A-12-0459

ORIGINAL

**MOTION TO WITHDRAW AS
ATTORNEY OF RECORD FOR C&D
CONSTRUCTION SERVICES, INC.**

(Assigned to Administrative Law Judge
Marc E. Stern)

TRI-CORE COMPANIES, LLC, an Arizona
limited liability company,

TRI-CORE MEXICO LAND
DEVELOPMENT, LLC, an Arizona limited
liability company,

TRI-CORE BUSINESS DEVELOPMENT,
LLC, an Arizona limited liability company,

ERC COMPACTORS, LLC, an Arizona
limited liability company,

ERC INVESTMENTS, LLC, an Arizona
limited liability company,

C&D CONSTRUCTION SERVICES, INC.,
a Nevada corporation;

PANGAEA INVESTMENT GROUP, LLC,
an Arizona limited liability company, d/b/a
Arizona Investment Center,

JASON TODD MOGLER, an Arizona
resident,

BRIAN N. BUCKLEY and CHERYL
BARRETT BUCKLEY, husband and wife,

CASIMER POLANCHEK, an Arizona
resident,

NICOLE KORDOSKY, an Arizona resident,

Respondents.

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AZ CORP COMMISSION
DOCKET CONTROL

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Dale B. Rycraft Jr., Esq., of THE RYCRAFT LAW FIRM, PLLC ("Rycraft"), respectfully requests entry of an order permitting him to withdraw as attorney of record for respondent C&D Construction Services, Inc. ("C&D"). This motion has been brought due to the fact that C&D's account at Rycraft is extremely overdue and the balance has become very large. Over the past 9 months, Rycraft has repeatedly asked C&D to make payments on its account, but C&D has failed to do so. C&D's balance has now grown so large that is imposing a substantial and unreasonable financial burden on Rycraft, and continued representation will only serve to increase the burden.

A.A.C. R14-3-104(E) states:

The Commission or presiding officer may permit the withdrawal of an attorney from any proceeding upon written application and good cause shown under such terms, conditions, and notices to clients and other parties as the Commission or presiding officer may direct. Oral application for withdrawal may be made during any open proceeding which is being reported.

Arizona Rules of Professional Conduct, Rule 1.16(b), allows a lawyer to withdraw from representing a client, among other things, if:

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

In this case, C&D has failed substantially to fulfill its obligations to Rycraft by failing to make payments toward legal services in defending this complex litigation, and Rycraft has given C&D reasonable warning that he would withdraw unless C&D fulfills its obligation to make such payments. Continued representation will increase the unreasonable financial burden already imposed on Rycraft by C&D's failure to pay for attorney's fees and costs incurred on its behalf. C&D is well aware of the consequences it may face without representation, and have been advised to seek other counsel if this motion is granted.

All parties have been served with this Motion to Withdraw and notice to all parties, including C&D, has been made as is evidenced by the certificate of service below. As the

1 hearing for this matter is set to restart on February 3, 2014, Rycraft respectfully requests that
2 this motion be granted prior to that date. The undersigned respectfully requests that the Court
3 grant this Motion to Withdraw as Attorney of Record for C&D Construction Services, Inc. and
4 for such other relief as may be just and appropriate.

5 RESPECTFULLY SUBMITTED this 20th day of January 2014.

6 THE RYCRAFT LAW FIRM, PLLC

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9 DALE B. RYCRAFT JR.
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16 *Attorney for C&D Construction Services, Inc.*

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1 ORIGINAL AND 13 COPIES of the foregoing
2 mailed this 21st day of January, 2014 to:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
Phoenix, AZ 85007

5 COPIES of the foregoing mailed
6 this 21st day of January 2014, to:

7 Honorable Marc E. Stern
8 Administrative Law Judge
ARIZONA CORPORATION COMMISSION
1200 W. Washington St.
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15 Attorney for:
16 *Tri-Core Companies, LLC*
Tri-Core Business Development, LLC
17 *And Jason Todd Mogler*

18 C&D Construction Services, Inc.
19 Attn: Irma Huerta, President
1520 Red Rock Street
Las Vegas, NV 89146

20 By: 
21 Employee of The Rycraft Law Firm, PLLC
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